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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,079	03/07/2001	Jorg Rosenberg	0480/001216	1470

26474 7590 03/04/2003

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EXAMINER

FONTAINE, MONICA A

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 03/04/2003

5 -

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,079

Applicant(s)

ROSENBERG ET AL.

Examiner

Monica A Fontaine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-5, 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 5 each recite the limitation "the solidified tablet belt" in line 2 of each claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the first transport means" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claims 7-11 are dependent upon Claim 6, which was cancelled in the Preliminary Amendment filed 7 March 2001. For purposes of an art rejection, the examiner is herein assuming the following: Claim 7 depends on Claim 12; Claim 8 depends on Claim 7; Claim 9 depends on Claim 12; Claim 10 depends on Claim 12; Claim 11 depends on Claim 12.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 7-9, 11-12 is rejected under 35 U.S.C. 102(b) as being anticipated by Dabal et al. (U.S. Patent 4,072,551). Regarding Claim 12, Dabal et al., hereafter “Dabal,” show that it is known to use an apparatus for producing tablets (Column 3, lines 33-36), comprising at least one extruder (Figure 1, step 10; Column 10, lines 3-4, 7-14), means for shaping a tablet belt arranged downstream of said extruder (Figure 1, step 16), first transport means for said tablet belt arranged downstream of said shaping means (Figure 1, between steps 16 and 17; Figure 5, “printing unit”), means for singulating and deflashing said tablets, wherein said means for singulating and deflashing tablets comprise at least one singulating means arranged downstream of said first transport means (Figure 1, element 17; Figure 5, “rotary unitizing unit”), and at least one deflashing means arranged downstream of said singulating means and spatially separate therefrom (Figure 1, element 18; Figure 2, element 28).

Regarding Claim 7, Dabal shows the basic apparatus as claimed, including singulating means which comprise at least one rotatable roller for diverting the tablet belt out of a transport plane of a transport means (Figure 3).

Regarding Claims 8 and 9, Dabal shows the basic apparatus as claimed as discussed above, including singulating means which (Claim 8) comprise two counter-rotating rollers which

can be pressed against one another (Figure 4, element 75), and (Claim 9) which comprise at least one embossed roller (Figure 4, element 75).

Regarding Claim 11, Dabal shows the basic apparatus as claimed as discussed above, including a second transport means provided between the singulating means and the deflashing means and comprises a shaking or vibrating unit (Figure 1, sequence of elements 17-19-18; Figure 2; Column 32, lines 13-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabal et al. (U.S. Patent 4,072,551), in view of Blanding et al. (U.S. Patent 3,859,407).

Regarding Claim 1, Dabal shows that it is known to carry out a process for producing tablets by melt extrusion, in which an extrudable mixture is heated and extruded in the form of a continuous product strip (Column 10, lines 3-4, 7-14), the still deformable product strip is compressed to a continuous tablet belt (Column 19, lines 12-18), the individual tablets in the belt being connected together by product webs (Column 19, lines 17-18, 20), and the tablets are finally singulated and deflashed, wherein firstly the tablets are singulated in a continuous process (Column 26, lines 31-35, 42-48), and then the singulated tablets are transported further and subsequently deflashed (Column 32, lines 7-18). Dabal does not show a cooling step before the

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singulation process. Blanding et al., hereafter “Blanding,” show that it is known to cool the tablet belt before a singulation process (Column 2, lines 8-16, 62-68 – Column 3, line 1).

Blanding and Dabal are combinable because they are concerned with a similar technical field, namely, that of forming tablets by an extrusion method. It would have been obvious to one of ordinary skill in the art at the time the invention was made to cool the tablet belt prior to singulation, as in Blanding, during Dabal’s molding process in order to insure proper physical rigidity of the tablets on the belt.

Regarding Claims 2 and 3, Dabal and Blanding show the basic process as claimed as discussed above, including Dabal’s singulation of the tablets on the tablet belt that includes a force with a component perpendicular (Claim 2) and parallel (Claim 3) to the plane of the tablet belt (Column 26, lines 31-38; The examiner is interpreting “cuts...from different angles” as applying to either perpendicular and parallel forces of singulation.), meeting applicant’s claim.

Regarding Claim 4, Dabal and Blanding show the basic process as claimed as discussed above, including Dabal’s singulation of the tablets on the tablet belt that includes a perpendicular force component that is generated by diverting the solidified tablet belt out of its transport plane (Figure 3), meeting applicant’s claim.

Regarding Claim 5, Dabal and Blanding show the basic process as claimed as discussed above, including Dabal’s singulation of the tablets on the tablet belt that includes a parallel force that is generated by exerting a traction force on the solidified tablet belt (Figure 5), meeting applicant’s claim.

Regarding Claim 10, Dabal and Blanding show the basic apparatus as claimed as discussed above, including Blanding’s cooling means for cooling the extruded tablet belt

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(Column 3, lines 48-51; Column 6, lines 55-59; Column 7, lines 21-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Blanding's cooling means in Dabal's molding apparatus in order to enable cooling and the resulting proper formation of the tablet belt to take place.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with regard to tablet formation in general:

U.S. Patent 4,411,611 to Ohtawa et al.

U.S. Patent 4,416,607 to Winstead

U.S. Patent 5,409,653 to Malm

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 703-305-7239. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9310 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

maf

February 27, 2003



JILL L. HEITBRINK
PRIMARY EXAMINER

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3/3/03